

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE ESTATE OF MICHAEL SCHWARTZ,)
and BRENDA FISCHER)

Plaintiffs,)

vs.)

ASSISTED RECOVERY CENTERS OF)
AMERICA, LLC, et al.)

Defendants.)

Cause No.: 4:16-CV-00673 JMB

AFFIDAVIT OF PLAINTIFFS' COUNSEL
IN COMPLIANCE WITH RSMo. § 538.225.1 REGARDING THE
MEDICAL MALPRACTICE CLAIM AGAINST PAUL SELVADURAI, MD
IN COUNT IV OF THE FIRST AMENDED COMPLAINT

I, Larry A. Bagsby, having personal knowledge of the following facts, hereby swear as follows:

1. My name is Larry A. Bagsby. I am lead counsel for Plaintiffs. I make this Affidavit in compliance with the Revised Statutes of Missouri, § 538.225.1.
2. This Affidavit pertains to the medical malpractice claim in Count IV of the First Amended Complaint which is pending against Defendant Paul Selvadurai, MD.
3. I have obtained a fifteen (15) page written opinion from a medical professional by the name of Richard J. Frances, MD, stating that the treatment and supervision rendered by Defendant Selvadurai failed to provide reasonably prudent healthcare to decedent Michael Schwartz; that such care fell below the professional standards of a physician such as Defendant Selvadurai; and that such failure directly contributed to the death of Michael Schwartz as set forth in Count IV of the First Amended Complaint.

4. The address of Richard Frances, MD is 510 East 86th Street, Apt. 1D, New York, NY 10028. Dr. Frances' qualifications to render his opinion are as follows:

- Completed undergraduate degree at Columbia College, New York, NY, 1967; obtained graduate/professional MD degree in 1971 from New York University Medical School.
- Certified by the American Board of Psychiatry and Neurology since 1976; and certified in Addiction Psychiatry in 1993, and re-certified in 2002 and 2012; He is presently licensed to practice in the states of Connecticut and New York.
- Founding President of the American Academy of Addiction Psychiatry, 1985 to 1992.
- Past President and Medical Director of Silver Hill Hospital, 1997-2010.
- Clinical Professor of Psychiatry, New York University Medical School (NYU), 1998 to present.
- Adjunct Clinical Professor, Rutgers Medical School, 1996 to present.
- Fellow of the American Psychiatric Association, 1990. Distinguished Fellow 2002 to present.
- Received Prestigious Founders Award, American Academy of Addiction Psychiatrists, December 2001; Recipient of multiple professional awards and honors throughout his career.
- Authored multiple professional journals and peer reviewed articles related to addiction treatment.

5. Dr. Frances has testified numerous times in professional/medical negligence claims, predominantly and historically, on behalf of the defendant physicians.

6. Plaintiffs filed their medical malpractice claim in Count IV against Defendant Selvadurai on November 28, 2016, and pursuant to RSMo. § 538.225.5, this Affidavit is filed within ninety (90) days of November 28, 2016.

FURTHER AFFIANT SAYETH NOT

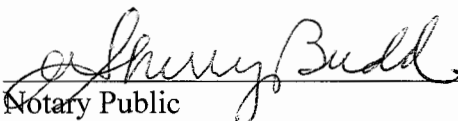
STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)


LARRY A. BAGSBY

ON THIS 19th day of January, 2017, before me appeared Larry A. Bagsby, to me personally known, who being by me sworn, did say that he signed the foregoing instrument as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforementioned, the day and year first above written.

My Commission expires: *Aug 14, 2017*


Notary Public

